



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,535	03/29/2001	Kevin D. Hunter	150-095RP	4717

7590

07/18/2005

Mr. William Fritz  
NoeMedia Technologies Inc.  
2201 Second Street  
Suite 600  
Fort Myers, FL 33901

EXAMINER

ZHONG, CHAD

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/821,535

Applicant(s)

HUNTER, KEVIN D.

Examiner

Chad Zhong

Art Unit

~~2154~~ 2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/7/05</u> | 6) <input type="checkbox"/> Other: _____  |

**FINAL ACTION**

1. This action is responsive to communications: Amendment, filed on 04/06/2005. This action has been made final.
2. Claims 1-14 are presented for examination. In amendment B, filed on 04/06/2005:  
claims 1-12 are amended.  
claims 13-14 are newly added
3. The use of the trademark Palm, OpenWave and UP.Link among others have been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. Appropriate correction is required.
4. Applicant's remarks filed 04/06/2005 have been considered but are found moot in view of the new grounds of rejection necessitated by Applicant's amendment.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-2, 4, 6, 7-8, 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Blinn et al (hereinafter Blinn), US 6,484,150.
7. As per claim 1, Blinn teaches a method of enabling to a client device to access a primary

content file comprising the steps of:

(a) inputting into the client device a linkage code comprising a routing identification code and an item identification code (Col. 9, lines 40-45; Col. 13, lines 33-35);

(b) transmitting the linkage code from the client device to a URL-assembly server (Col. 13, lines 35-40, item 125, 128, 129 in Merchant system of Fig 2), the URL-assembly server extracting the routing identification code from the linkage code (Col. 7, lines 30-35);

(c) transmitting by the URL-assembly server to a routing server the routing identification code (Col. 7, lines 24-35; and 125, 126, Fig 2), and obtaining from the routing server a URL template (126, Fig 2) associated with the routing identification code (Col. 7, lines 24-50; Col. 13, lines 38-41), the URL template comprising the name of a resolution server (Fig 14, item 127, wherein the database module uses the query name to retrieve information from database 121) and at least one parameter field (Col. 13, lines 44-46, wherein the query name is the parameter field being filled in and sent to the database module) to be completed by the URL-assembly server (Col. 13, lines 40-45);

(d) completing the URL template by filling in at least the item identification code (Col. 13, lines 40-45; Col. 6, lines 40-45, wherein the query is a query to information contained on the database, i.e. product information, order information and shopper information, all of which reads on the item identification code; Col. 15, lines 45-55);

(e) sending the completed URL template to the resolution server named therein to determine the location of the primary content file based on the item identification code (Col. 13, lines 40-45); and

(f) the resolution server sending a primary content URL that specifies the location of the primary content file (Col. 15, lines 45-55, wherein the database module knows the location of the primary content file, and URL is read as a pointer to a specific resource).

8. As per claim 2, Blinn teaches the method of claim 1, further comprising the step of using the

primary content file URL to provide the primary content file to the client device from a primary content server identified by the primary content file URL (Fig 14, item 121, wherein the database is providing the content file to the user; Fig 14, item 125, wherein the dynamic page generator uses the content retrieved from the database to provide content to the end users 122,123).

9. As per claim 13, Blinn teaches the method of claim 1 wherein:

a client device identification code is transmitted by the client device to the URL-assembly server along with the linkage code, the client device identification code functioning to identify operational characteristics of the client device (Col. 7, lines 24-50, shopper-id security portion);

the client device identification code is transmitted by the URL-assembly server to the routing server along with the routing identification code (Col. 13, lines 30-55); and

the URL template obtained from the routing server is associated with the client device identification code and the routing identification code (Col. 13, lines 35-55).

10. As per claim 4, Blinn teaches the method of claim 13, wherein the client device is a wireless device supporting HTML content (Col. 7, lines 20-21; Col. 5, lines 50-57).

11. As per claim 6, Blinn teaches the method of claim 13, wherein the client device is a personal computer supporting HTML content (Col. 7, lines 20-21; Col. 5, lines 50-57).

12. As per claims 7-8, 11-12, and 14, claims 7-8, and 11-12, and 14 are rejected for the same reasons as rejection to claims 1-2, 4-6, and 13 above respectively.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3, 5, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn et al (hereinafter Blinn), US 6,484,150, in view of 'Official Notice'.

15. As per claim 3, Blinn teaches wireless devices, however, Blinn does not explicitly teach support of WML content services. "Official Notice" is taken that the concept and advantages of providing for WML is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include WML support with Blinn because it would provide for light weight communication process between servers and handheld devices.

16. As per claim 5, Blinn does not explicitly teach the method of claim 1, wherein the client device is a wireless device supporting HDML content. "Official Notice" is taken that the concept and advantages of providing for HDML is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include HDML support with Blinn because it would provide for light weight communication process between servers and handheld devices, further providing for backwards compatibility.

17. As per claims 9-10, claims 9-10 are rejected for the same reasons as rejection to claims 3, 5 above respectively.

18. It is noted that Applicant did not offer any argument regarding the use of official notice in rejection of claims 3, 5, 9, and 10 above in previous office action. This is taken as admission of the limitation cited in these claims represent prior art.

*Conclusion*

19 **THIS ACTION IS MADE FINAL.** Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "DEVICE BASED ROUTING FOR WEB CONTENT RETRIEVAL".

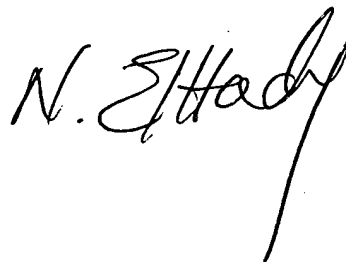
- i. US 5804803 Cragun et al.
- ii. US 6542933 Durst Jr. et al.
- iii. US 5867688 Simmon et al.
- iv. "The Mobile Developer", Eric Giguere, April 4, 2000

v Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ  
May 5, 2005

A handwritten signature in black ink, appearing to read "N. El-Hady". The signature is stylized with a long, sweeping vertical stroke extending downwards from the end of the name.